

**APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office OCT 09 1992

Returned to applicant for correction _____

Corrected application filed _____

Map filed OCT 09 1992 under 58232

The applicant BENTLY NEVADA CORPORATION 401(k) Plan & Trust

P.O. Box 157, of Minden,
Street and No. or P.O. Box No. City or Town

Nevada 89423, hereby make^s application for permission to appropriate the public
State and Zip Code No.

waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
copartnership or association, give names of members.) Incorporated in Nevada - October 20, 1961

Trust agreement was effective January 1, 1988

1. The source of the proposed appropriation is spring
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.0065 c.f.s. second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet _____

3. The water to be used for stockwater & wildlife
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated _____

(b) Stockwater, state number and kinds of animals to be watered 200 cattle - 50 deer

(c) Other use (describe fully under No. 12. "Remarks") _____

(d) Power:

(1) Horsepower developed _____

(2) Point of return of water to stream _____

5. The water is to be diverted from its source at the following point SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.10N.,
Describe as being within a 40-acre subdivision of public
R.21E., M.D.B.&M., or at a point from which the E $\frac{1}{4}$ corner of said Section 12
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
bears S. 63° 15' 00" E., a distance of 2180.0 feet.

6. Place of use Portions of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12, T.10N., R.21E., M.D.B.&M.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) improve spring outlet and collection pond
State manner in which water is to be diverted, i.e. diversion structure, ditches and
to insure stockwater area.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....
 10. Estimated time required to construct works 2 years
 If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use 5 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

To be co-mingled with Application 58233

By s/Robert H. Cantley
THIEL, WINCHELL & ASSOC., INC.
34 Lakes Blvd., Suite 101
Dayton, Nevada 89403

Compared bc/bc ab/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the period of use and the average number of livestock served from the waters of this source. The State retains the right to regulate the use of the water herein granted at any and all times but does not take responsibility for the use of the Federal range.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

The total combined diversion rate under Permits 58233 and 58234 shall not exceed 0.0065 cfs or sufficient water for 200 head of cattle and 50 deer.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0065 cubic feet per second, or sufficient to water

200 head of cattle and 50 deer.

Work must be prosecuted with reasonable diligence and be completed on or before December 15, 1995

Proof of completion of work shall be filed before January 15, 1996

Application of water to beneficial use shall be filed on or before December 15, 1998

Proof of the application of water to beneficial use shall be filed on or before January 15, 1999

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed JAN 14 1998

Proof of beneficial use filed JAN 19 2000

Cultural map filed.....

Certificate No. 15384 Issued FEB 17 2000

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 15th day of December,

A.D. 1993

[Signature]
 State Engineer